



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Eighteenth Meeting Day

Monday Afternoon

February 13, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Vernon G. Smith.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning ☐	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher ☐
Buell	Oxley
Burton	Pelath
Cheney ☐	Pflum
Cherry ☐	Pierce
Cochran	Pond
Crawford	Porter
Crooks ☐	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta ☐	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer ☐
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 213: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1040 and 1134 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 18, 19, and 33 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 13, 16, and 29 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 36

Representatives Avery, Crouch, Hoy, VanHaaften, and Woodruff introduced House Concurrent Resolution 36:

A CONCURRENT RESOLUTION honoring Wayne F. Henning on the occasion of his retirement.

Whereas, Wayne F. Henning will retire on February 23, 2006, capping a 42 year career with Old National Bank;

Whereas, Wayne F. Henning began his successful banking career with Old National Bank as an adjustor in April, 1964;

Whereas, Mr. Henning rose steadily through various positions in the retail area of the bank until he acquired his current position as Executive Vice President and Regional Chief Operating Officer for the Evansville Region;

Whereas, A life-long resident of Evansville, Mr. Henning graduated from Reitz Memorial High School, received a Bachelor of Science degree from St. Edward's University in 1963, and graduated from the Stonier Graduate School of Banking;

Whereas, Mr. Henning also saw active duty with the U.S. Army and the U.S. Army Reserve;

Whereas, Mr. Henning has been engaged in the legislative and governmental process throughout his banking career, most notably working with the Indiana General Assembly and the Governor to ensure the passage of the 1985 interstate banking statute, which permitted banks in Indiana to establish statewide branching networks and to merge with other banks inside and outside Indiana;

Whereas, While fulfilling his responsibilities with Old National Bank, Mr. Henning has been the epitome of a community and civic leader and an unashamed Evansville booster;

Whereas, Mr. Henning has also contributed his time and talents to many community organizations including the Evansville Freedom Festival, the Evansville Association of Commercial Banks, the Consumer Credit Counseling Services, the Greater Evansville Lenders Association, the Reitz Memorial High School Alumni Association, and the Memorial Athletic Booster Club;

Whereas, Mr. Henning has also served as the Associate General Chairman of the United Way, Financial Chairman of Holy Rosary Church, Vice-Chairman of the Evansville Chamber of Commerce, Chairman of the Southern Indiana Financial Institutions for I-69, and on the boards of the Evansville Association of Retarded Citizens, Roberts Stadium Foundation, Mesker Zoo, and the Evansville Airport Advisory Board;

Whereas, Mr. Henning has been deeply involved in the Evansville business and cultural community most of his adult life, impacting the lives of many of its residents;

Whereas, Mr. Henning has received many awards and recognitions including the Multiple Sclerosis "Hope" Award, the Memorial High School "Distinguished Service" Award, the Beacon Group "Community" Award, the Best of Evansville "Decades of Wisdom" Award, and the Buffalo Trace Council "2004 Distinguished Citizen" Award; and

Whereas, Evansville would not be the city it is today without Mr. Henning's generous service; his leadership, wisdom, and enthusiasm have made him highly honored in the community and the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes Wayne F. Henning's outstanding career, his many accomplishments, and his dedication to both the financial services community and the people of Indiana.

SECTION 2. That the Indiana General Assembly offers congratulations and best wishes to Wayne F. Henning on the occasion of his retirement.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Wayne F. Henning.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Becker and L. Lutz.

House Resolution 14

Representatives Bell, Borrer, Dodge, Leonard, Ripley, Stutzman, Pond, Espich, GiaQuinta, and Moses introduced House Resolution 14:

A HOUSE RESOLUTION honoring John Stafford.

Whereas, John Stafford wanted to design communities since he was in the fourth grade;

Whereas, In 1975, at the age of 25, he achieved his dream when he came to Fort Wayne for a job in the city's planning department;

Whereas, John Stafford has played a key role in many accomplishments that have proven to be vital to the progress of the Fort Wayne community;

Whereas, John Stafford was instrumental in bringing the General Motors plant to Allen County in 1985, helped to create the 2000 Economic Development Action Plan for Fort Wayne and Northeast Indiana, helped design the incentive package to encourage ITT Industries to bring its Single Channel Ground and Airborne Radio Systems project, or SINGARS, to Fort Wayne, and researched and prepared the 2004 Allen County Diversity Study for the United Way of Allen County;

Whereas, One of John Stafford's most impressive accomplishments is the expansion of the Grand Wayne Center, nearly doubling its size and increasing the ability of the convention center to attract events to the city;

Whereas, John Stafford designed the complex and played a major role in developing the \$40,000,000 financing package that made the renovation possible;

Whereas, In honor of his 30 years of helping develop Fort Wayne and Allen County, John Stafford has been selected Citizen of the Year by the Fort Wayne Journal Gazette;

Whereas, John Stafford is currently the director of the Community

Research Institute at Indiana University-Purdue University Fort Wayne, where he also teaches public policy, urban planning, and public finance; and

Whereas, John Stafford is truly the expert that experts turn to when they need help: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates John Stafford on his selection as Citizen of the Year by the Fort Wayne Journal Gazette and expresses its gratitude for his efforts on behalf of the citizens of Fort Wayne and Allen County; his many accomplishments will continue to serve the Fort Wayne and Allen County communities for many years to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to John Stafford and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 15

Representative Aguilera introduced House Resolution 15:

A HOUSE RESOLUTION recognizing Hispanic/Latino Community Day.

Whereas, The Hispanic/Latino Community Day (HCD) is a joint venture between the Indiana Commission on Hispanic/Latino Affairs and the Indiana House of Representatives;

Whereas, Building upon three successful years of Hispanic Student Outreach Days offered by the House of Representatives, HCD will provide an opportunity for students and adults to better understand state government; and

Whereas, The Hispanic/Latino Community Day will help develop the next generation of Latino leaders and an educated and civically active Latino community who can participate in local, state, and federal policy decisions: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize Hispanic/Latino Community Day as an outstanding opportunity for Latino students and adults to experience a legislative session day and learn about Indiana government.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana Commission on Hispanic/Latino Affairs.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 12, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 41, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 21, delete "P.L.246-2005," and insert "HEA 1040-2006, SECTION 6,".

Page 3, line 22, delete "SECTION 37,".

Page 4, delete lines 7 through 15, begin a new line block indented and insert:

"(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of insurance producers.

(12) A pension fund administered by the board of trustees of the public employees' retirement fund.

(13) The Indiana state teachers' retirement fund.

(14) The state police benefit system.

(15) The alcohol and tobacco commission."

Page 4, line 27, delete "the health professions bureau,".

Page 5, line 9, delete "P.L.218-2005," and insert "HEA 1040-2006, SECTION 66,".

Page 5, line 10, delete "SECTION 2,".

Page 5, line 35, delete "fire and" and insert "homeland security".

Page 5, delete line 36.

Page 5, run in lines 35 and 37.

Page 11, line 9, after "5-20-4-15" insert ", AS AMENDED BY HEA 1040-2006, SECTION 121,".

Page 11, line 20, delete "department of commerce,".

Page 11, line 20, reset in roman "office of".

Page 11, line 21, rest in roman "the lieutenant governor,".

Page 12, line 6, delete "finance" and insert "and community development".

Page 12, line 19, delete "finance" and insert "and community development".

Page 24, line 20, after "5." insert "(a)".

Page 24, delete lines 21 through 27, begin a new line block indented and insert:

"(1) home health agencies licensed under IC 16-27-1 are ~~approved~~ **automatically certified as providers** to provide home health services; and

(2) personal services agencies licensed under IC 16-27-4 are ~~approved~~ **automatically certified as providers** to provide personal services;

under any federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n, **upon the provider furnishing proof of licensure to the agency responsible for certifying the provider under the waiver.**

(b) A provider who is eligible for certification under subsection (a) needs only to obtain and maintain a home health agency license or a personal services agency license through the state department of health to be certified as a:

(1) home health agency provider of home health services; or

(2) personal services agency provider of personal services;

under a federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n.

(c) Except for requirements directly related to claims submission and claims payment, a provider that is certified under subsection (a) is exempt from the rules, bulletins, and other regulatory requirements adopted by the office of the secretary.

(d) For purposes of this section, the home health services that a licensed home health agency may provide include the following:

(1) Respite care services.

(2) Speech language therapy services.

(3) Occupational therapy services.

(4) Physical therapy services.

(5) Nursing services.

(6) Transportation services.

(7) Residential habilitation services.

(8) Community based habilitation services.

(e) For purposes of this section, the personal services that a licensed personal services agency may provide include the following:

(1) Respite care services.

(2) Homemaker services.

(3) Companion services.

(4) Attendant care services."

Page 40, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 50. IC 12-12-8-2, AS AMENDED BY P.L.217-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "consumer control" means, with respect to a center for independent living or an eligible agency: ~~that:~~

(1) that the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services; and

(2) that:

(A) at least fifty-one percent (51%) of the members of the center's board have significant disabilities; and

(B) a majority of the center's staff and employees in decision making positions are individuals with disabilities.

SECTION 51. IC 12-12-8-3.8, AS ADDED BY P.L.217-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. As used in this chapter, "state plan" means the materials jointly developed and submitted by the council and the division to the commissioner containing the state's proposals for the following:

(1) The provision of statewide proposal for providing independent living services with federal funds under Title VII, Part B of the federal act.

(2) The development and support of a statewide network of centers for independent living.

(3) Working relationships among:

(A) programs providing independent living services and independent living centers; and

(B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.

SECTION 52. IC 12-12-8-5, AS ADDED BY P.L.217-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:

(1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.

(2) To provide administrative assistance to support ~~services to independent living programs and the activities of centers for independent living programs.~~ under Title VII, Part B of the federal act.

(3) To keep records and take actions with respect to the records as required by the commissioner.

(4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 53. IC 12-12-8-6, AS ADDED BY P.L.217-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) There is established a statewide independent living council. The council is not a part of a state agency.

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

(1) Each director of a center for independent living located in Indiana.

(2) Nonvoting members from state agencies that provide services for individuals with disabilities.

(3) Other members, who may include the following:

(A) Representatives of centers for independent living.

(B) Parents and guardians of individuals with disabilities.

(C) Advocates for individuals with disabilities.

(D) Representatives from private business.

(E) ~~Representative~~ Representatives of organizations that provide services for individuals with disabilities.

(F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

(1) provide statewide representation;

(2) represent a broad range of individuals with disabilities from diverse backgrounds;

(3) be knowledgeable about centers for independent living and independent living services; and

(4) include a majority of members who:

(A) are individuals with ~~significant~~ disabilities; and

(B) are not employed by a state agency or a center for independent living.

SECTION 54. IC 12-12-8-10, AS ADDED BY P.L.217-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The council has the powers and duties specified in this chapter.

(b) The council ~~may~~ shall do the following:

(1) Jointly develop and sign the state plan in conjunction with

the designated state unit.

(2) Monitor, review, and evaluate the implementation of the state plan.

(3) Coordinate activities with the state rehabilitation council and other councils that address the needs of specific disability issues.

(4) Submit periodic reports to the funding sources and provide access to the records that are necessary to verify contents of the reports.

(5) Do other things necessary and proper to implement this chapter.

(c) The council shall ensure that all meetings of the council are open to the public and in accessible formats with sufficient advance public notice.

SECTION 55. IC 12-12-8-11, AS ADDED BY P.L.217-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The division **and the council** shall **jointly** prepare the state plan that must be submitted to the commissioner."

Page 69, line 41, delete "ADDED BY P.L.218-2005," and insert "AMENDED BY HEA 1040-2006, SECTION 335,".

Page 69, line 42, delete "SECTION 81,".

Renumber all SECTIONS consecutively.

(Reference is to SB 41 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 42, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Engrossed Senate Bill 75, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 77, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 84, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 16 and 17, begin a new paragraph and insert: "SECTION 2. IC 12-23-14.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana under IC 33-38-9-3.

(b) As used in this section, "effective date" means the date established by the board after which minimum employment standards will be required for a person employed by a drug court.

(c) A drug court established under this chapter is subject to the regulatory powers of the Indiana judicial center under IC 33-38-9-9.

(d) With regard to drug courts established under this chapter, the Indiana judicial center may do the following:

(1) Ensure that drug courts comply with rules adopted under this section and applicable federal regulations.

(2) Certify drug courts established under this chapter.

(3) Revoke the certification of a drug court upon a determination that the drug court does not comply with rules adopted under this section and applicable federal regulations.

(4) Make agreements and contracts with:

(A) another department, authority, or agency of the state;

(B) another state;

(C) the federal government;

(D) a state supported or private university; or

(E) a public or private agency;

to implement this chapter.

(5) Require as a condition of operation that each drug court created or funded under this chapter be certified according to rules established by the Indiana judicial center.

(6) Adopt rules to implement this chapter.

(e) The board shall adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of drug courts.

(f) The board may adopt rules concerning educational and occupational qualifications needed to be employed by a drug court; however, any contract service provider must be licensed by the state or approved by the judicial center. If the board adopts qualifications under this subsection:

(1) the board shall establish an effective date after which a person employed by a drug court must meet the minimum qualifications adopted under this subsection; and

(2) the minimum employment qualifications adopted under this subsection do not apply to a person who is employed:

(A) by a certified drug court before the effective date; or

(B) as administrative personnel.

(g) The board may delegate any of the functions described in subsections (e) and (f) to ~~the court alcohol and drug program advisory a committee or of the Indiana judicial center; conference of Indiana.~~

Page 6, line 23, delete "the court alcohol and drug program".

Page 6, line 24, delete "advisory" and insert "a".

Page 6, line 24, delete "or" and insert "of".

Page 6, line 24, delete "Indiana".

Page 6, line 24, delete "center." and insert "**conference of Indiana.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 84 as printed January 12, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-2-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Any assignment of the wages of an employee is valid only if all of the following conditions are satisfied:

(1) The assignment is:

(A) in writing;

(B) signed by the employee personally;

(C) by its terms revocable at any time by the employee upon written notice to the employer; and

(D) agreed to in writing by the employer.

(2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.

(3) The assignment is made for a purpose described in subsection (b).

(b) A wage assignment under this section may be made for the purpose of paying any of the following:

- (1) Premium on a policy of insurance obtained for the employee by the employer.
- (2) Pledge or contribution of the employee to a charitable or nonprofit organization.
- (3) Purchase price of bonds or securities, issued or guaranteed by the United States.
- (4) Purchase price of shares of stock, or fractional interests therein, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.
- (5) Dues to become owing by the employee to a labor organization of which the employee is a member.
- (6) Purchase price of merchandise sold by the employer to the employee, at the written request of the employee.
- (7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed by the employee subject to the amount limits set forth in section 4(c) of this chapter.
- (8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.
- (9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.
- (10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.
- (11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.
- (12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.
- (13) A judgment owed by the employee if the payment:
 - (A) is made in accordance with an agreement between the employee and the creditor; and
 - (B) is not a garnishment under IC 34-25-3.

(14) Payment for the purchase or maintenance of uniforms worn by the employee while performing duties for the employer.

(15) Payment for the purchase of tools and portable equipment used by the employee while performing duties for the employer.

SECTION 2. IC 22-2-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The commissioner of labor is hereby authorized to take assignments of wage claims of less than ~~eight hundred dollars (\$800.00)~~, **three thousand dollars (\$3,000)**, rights of action for penalties, mechanics and other liens of workers, without being bound by any of the technical rules with reference to the validity of such assignments; and shall have power and authority to prosecute actions for the collection of such claims of persons who, in the judgment of the commissioner:

(1) are entitled to the services of the commissioner; and ~~who, in his judgment,~~

(2) have claims which are valid and enforceable in the court.

(b) The commissioner shall have power to join various claimants in one (1) preferred claim or lien, and, in case of suit, to join them in one (1) cause of action."

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 4. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2006]:

Chapter 6. Employer Sales to Employees

Sec. 1. An employer may not sell to an employee of the employer:

(1) merchandise; or

(2) supplies;

at a price higher than the price at which the employer sells the merchandise or supplies for cash to another person who is not an employee of the employer.

Sec. 2. A person who violates section 1 of this chapter commits a Class C infraction.

SECTION 5. IC 22-2-4 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 6. [EFFECTIVE JULY 1, 2006] **IC 22-2-9-5, as amended by this act, applies to wage claims filed with the commissioner of labor after June 30, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to SB 117 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Engrossed Senate Bill 147, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 26, after "provider" insert ",".

Page 2, line 27, delete "or" and insert **"the"**.

Page 2, line 27, after "enrollee" insert **", or the health maintenance organization"**.

Page 2, line 27, after "overpayment" insert **"or underpayment"**.

(Reference is to SB 147 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 157, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 2, after line 35, begin a new paragraph and insert:

"SECTION 2. An emergency is declared for this act."

(Reference is to SB 160 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "the state Medicaid" and insert "**a state or federal reimbursement**".

Page 2, line 16, after "program" insert ", **including a program under Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the state Medicaid program,**".

Page 2, line 18, after "licensed" insert "**or to be licensed**".

(Reference is to SB 161 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "IC 20-28-6-6;" and insert "**IC 20-28-6-6, if replacing a teacher on a leave of absence;**".

(Reference is to SB 172 as reprinted January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 191, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 253, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 18, begin a new line block indented and insert:

"(2) Construct a wall whose lowest point would be:

**(A) below the elevation of the shoreline or waterline; and
(B) within ten (10) feet landward of the shoreline or waterline, as measured perpendicularly from the shoreline or waterline;
of a public freshwater lake."**

(Reference is to SB 253 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 39, delete "(c)," and insert "**(d),**".

Page 6, line 14, delete "and" and insert "**or**".

Page 6, line 21, delete "and" and insert "**or**".

Page 6, line 29, after "the" insert "**agency.**".

Page 6, delete lines 30 through 31.

Page 7, line 22, strike "governor" and insert "**director**".

Page 7, line 27, strike "governor" and insert "**director**".

Page 8, line 25, after "local" insert "**agency**".

Page 8, line 29, after "local" insert "**agency**".

Page 10, delete lines 22 through 41, begin a new line triple block indented and insert:

"(i) An elected county official, including a member of the county executive or fiscal body, from each county served by the interjurisdictional disaster agency.

(ii) An elected city official from one (1) city in each county served by the interjurisdictional disaster agency, if there is a city in a county served by the interjurisdictional disaster agency.

(iii) An elected town official from one (1) town in each county served by the interjurisdictional disaster agency.

(iv) An officer or member of one (1) fire department in each county served by the interjurisdictional disaster agency.

(v) A county or local law enforcement officer from each county served by the interjurisdictional disaster agency.

(vi) A county or local public health officer from each county served by the interjurisdictional disaster agency.

(vii) A representative of other public or private agencies or organizations in each county served by the interjurisdictional disaster agency, including a local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, or a public or private airport."

Page 12, line 5, delete "If the director approves the".

Page 12, delete lines 6 through 7.

Page 12, line 10, delete "governor" and insert "**director**".

Renumber all SECTIONS consecutively.

(Reference is to SB 285 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 10, begin a new paragraph and insert:

"Sec. 3. The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 to implement this chapter."

(Reference is to SB 310 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 354, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 379, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 6 through 39, begin a new paragraph and insert:

"SECTION 4. IC 4-22-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

- (1) A federal or state statute, rule, or regulation.
- (2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.
- (3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the ~~secretary of state~~ **publisher** under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the commission on public records under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been **previously** filed with the:
 - (A) secretary of state before ~~the date that the rule containing the incorporation is filed: July 1, 2006; or~~
 - (B) **publisher after June 30, 2006.**

(5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference."

Page 23, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 21. IC 4-22-8-2, AS AMENDED BY P.L.215-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The publisher shall publish a serial publication with the name Indiana Register at least six (6) times each year.

(b) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Register in electronic form only. ~~However, the publisher shall distribute a printed copy of the Indiana Register to each federal depository library in Indiana.~~

(c) The publisher may meet the requirement to publish the Indiana Register electronically by permanently publishing a copy of the Indiana Register on the Internet.

SECTION 22. IC 4-22-8-5, AS AMENDED BY P.L.215-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The publisher shall compile, computerize, index, and print a codification of the general and permanent rules of the agencies with the name Indiana Administrative Code. The publisher may publish, with the Indiana Administrative Code, any tables, explanatory material, or other documents that the publisher considers appropriate.

(b) The publisher shall establish a system to maintain, supplement, and recompile the Indiana Administrative Code when necessary or appropriate.

(c) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Administrative Code in electronic form only. ~~However, the publisher shall distribute a printed copy of the Indiana Administrative Code to each federal depository library in Indiana.~~

(d) The publisher may meet the requirement to publish the Indiana Administrative Code electronically by permanently publishing a copy of the Indiana Administrative Code on the Internet."

Renumber all SECTIONS consecutively.

(Reference is to SB 379 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUCK, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 35

Representative Budak introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION recognizing the need for protection of our environmental and economic resources.

Whereas, The Great Lakes are a tremendous value to Indiana as an environmental and economic resource, both as the world's largest body of fresh water and as a crucial international shipping channel;

Whereas, Aquatic invasive species have caused significant damage to native environments and industrial operations in the Great Lakes and around the world;

Whereas, Indiana ranks 14th in the nation for waterborne shipping with nearly 70 million tons of maritime cargo per year, and the state's Lake Michigan ports provide Indiana farmers, steel mills, and manufacturers with access to foreign markets through the Great Lakes/St. Lawrence Seaway;

Whereas, Current federal laws governing the introduction of aquatic invasive species into United States waters via ballast water of ocean-going ships and other sources are inadequate;

Whereas, Because of the detrimental effects of imposing regional restrictions on an international shipping channel, there is a need for federal regulation; and

Whereas, There is currently no nationally accepted standard for ballast water quality nor any approved ballast treatment technologies available to ship operators: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly has a great concern for the protection of its environmental and economic resources.

SECTION 2. That the Indiana General Assembly urges the United States Congress to acknowledge the national urgency of this problem and move quickly to enact federal legislation to establish a strong ballast water regulatory program sufficient to prevent future introduction of aquatic invasive species into all United States waters.

SECTION 3. That the Indiana General Assembly declares its support for the efforts of the United States Coast Guard and International Maritime Organization to put in place an international ballast water treatment and regulatory program.

SECTION 4. That the Indiana General Assembly declares its support for the "Great Ships Initiative," a research and development project funded jointly by the Indiana Port Commission and other

Great Lakes ports, the U.S. Department of Transportation, the National Fish and Wildlife Foundation, and other federal agencies with the goal of accelerating the development and availability of ballast water treatment technology.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 38

Representative Lehe introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION honoring the South Newton High School 4-H soil judging team.

Whereas, Rob Hays, Lauren Walker, Ean Donohue, Ryan Hancock, and Andy Thomas brought a national championship soil judging title back to South Newton High School;

Whereas, The South Newton High School team earned the right to compete at the national competition when it placed fourth at the Indiana state contest;

Whereas, Students on the team determine six physical characteristics of soil at each of four pits, including texture-surface and subsurface, depth of soil, slope, erosion, permeability, and surface runoff and must recommend vegetative and mechanical treatments as well as fertilizer and soil amendments; and

Whereas, Agriculture is a staple of the economy of Indiana; it is vital to our economic welfare that we educate our young people in this area: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members of the South Newton High School 4-H soil judging team on the members' victory in the national competition and wishes them success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Rob Hays, Lauren Walker, Ean Donahue, Ryan Hancock, and Andy Thomas, agriculture teacher Darrell Allen, the principal of South Newton High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Landske.

House Concurrent Resolution 39

Representative Ruppel introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION honoring Dr. William Dennis Dannacher.

Whereas, Dr. William Dennis Dannacher has witnessed tremendous medical changes throughout his long career;

Whereas, Dr. Dannacher has seen and used such medical breakthroughs as life-saving antibiotics and the polio vaccine;

Whereas, In a career that has spanned more than 40 years, Dr. Dannacher has helped to rewrite the medical textbooks on modern medical procedures, bringing sick and injured patients back from the brink of death, delivering babies, and performing countless surgeries;

Whereas, Dr. Dannacher served his country during World War II as a Navy surgeon in combat operations that included the invasions of North Africa and Normandy;

Whereas, Upon the completion of his military career, Dr. Dannacher returned to practice medicine in his hometown of Wabash, Indiana, where he practiced as a specialist in general surgery for 37 years at the Wabash County Hospital;

Whereas, Dr. Dannacher also owned and managed the Wabash Clinic;

Whereas, In addition to his duties at the hospital and the clinic, Dr. Dannacher served as a diplomate of the American Board of Abdominal Surgery, as a fellow of the International College of

Surgeons, and one term as president of the Indiana Chapter of the I.C.S.;

Whereas, An avid pilot for more than 30 years, Dr. Dannacher has also served as a designated federal aviation medical examiner and as president of the Indiana Chapter of the Flying Physicians; and

Whereas, Dr. William Dennis Dannacher has dedicated his life to healing the sick and comforting the injured: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly thanks Dr. William Dennis Dannacher for the years of dedicated service to the citizens of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. William Dennis Dannacher and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Dillon.

House Resolution 13

Representative Richardson introduced House Resolution 13:

A HOUSE RESOLUTION urging the establishment of an interim study committee on park issues.

Whereas, Indiana's parks are some of the state's greatest resources; and

Whereas, Parks greatly contribute to the economic well-being of our state by offering job opportunities, youth development, and a place for the community to gather, and by improving public health: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish a committee on park issues.

SECTION 2. That the committee, if established, shall study IC 8-4.5 on acquisition and development of Rail/Trail Corridors, the creation of park district enabling legislation, and a permanent funding source for Park/Trail Land Acquisition and Park/Trail Development Projects.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 16

Representative Kuzman introduced House Resolution 16:

A HOUSE RESOLUTION honoring David Dickerson.

Whereas, Each year the American Legion awards one scholarship to an outstanding baseball player from each state;

Whereas, David Dickerson was named the 2005 American Legion's Baseball Scholarship Award winner for the state of Indiana;

Whereas, David Dickerson is a five-year player for American Legion Post 20 under Coach Tony Samano;

Whereas, David Dickerson will be pursuing his baseball and academic career at Purdue University North Central in Westville, Indiana; and

Whereas, Excellence in any endeavor deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates David Dickerson on receiving the American Legion's 2005 Baseball Scholarship Award and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David Dickerson and his family.

The resolution was read a first time and adopted by voice vote.

RESOLUTIONS ON SECOND READING

House Resolution 1

The Speaker handed down on its passage House Resolution 1, introduced by Representatives Friend, Turner, and Richardson:

A HOUSE RESOLUTION expressing the will of the Indiana House of Representatives to protect the content of prayer and the right to address God in accordance with the dictates of conscience in the Indiana House of Representatives.

Whereas, The official invocation has been an unbroken tradition in the Indiana House of Representatives for 189 years;

Whereas, The Indiana House of Representatives has long had a policy of permitting members to give, or to invite clergy to give, the invocation prayer in a manner consistent with the religious beliefs and the freedom of conscience of the person giving the invocation;

Whereas, This privilege of invocation prayer has been extended over the years to a diverse group of Hoosiers representing a wide variety of creeds, faiths, and traditions;

Whereas, During the past session of the General Assembly the invocation was offered by clerics representing the Catholic, Protestant, Jewish, and Muslim faiths as well as those with no formal religious affiliation;

Whereas, The Indiana House of Representatives views the invocation as an opportunity to solemnize the proceedings of the House and to permit individual House members and their invited constituents to seek divine guidance on behalf of the House in a manner consistent with, and not repugnant to, their abiding beliefs;

Whereas, The members of the Indiana House of Representatives are subject to the unique pressures and duties of their office and of the burdens of the legislative environment, which frequently requires that they be absent from their own homes, families, and religious congregations;

Whereas, The ministry of visiting clerics and the offering of invocations accommodates the spiritual needs of the members of the Indiana House of Representatives and facilitates the voluntary exercise of their faith, providing them with spiritual encouragement while they are away from their homes, families, and religious congregations;

Whereas, The members of the Indiana House of Representatives accept that in our pluralistic society it is not possible that every faith or belief system be represented in each invocation;

Whereas, The members of the Indiana House of Representatives affirm as the foundational principle of religious tolerance that differences in faith or beliefs should be freely acknowledged and not be hidden, discouraged or suppressed through governmental order, coercion or officially imposed orthodoxy;

Whereas, The invocation prayer has traditionally been an opportunity to promote greater understanding among persons of all faiths;

Whereas, It has been the consistent tradition and practice of the members of the Indiana House of Representatives to stand in respectful silence as the invocation prayer was offered by a fellow Hoosier, regardless of whether the members have shared the religious views expressed by the individual delivering the invocation;

Whereas, Despite these salutary benefits of the Indiana House's invocation prayer, the United States District Court for the Southern District of Indiana, has issued an injunction which restrains religious liberty and the freedom of conscience and, in conflict with the historic and cherished rights of Americans, purports to control the specific content of prayers;

Whereas, This intolerable order of the United States District Court states that prayers given as part of the official proceedings of the Indiana House of Representatives "should not use Christ's name or title or any other denominational appeal" and should not "proclaim

or otherwise communicate the beliefs that Jesus of Nazareth was the Christ, the Messiah, the Son of God, or the Savior, or that he was resurrected, or that he will return on Judgment Day or is otherwise divine";

Whereas, This order is inconsistent with the settled beliefs and deepest convictions of many Hoosiers;

Whereas, Because it attempts to control the content of prayer, this order undermines the rights of all Hoosiers regardless of their theological convictions;

Whereas, This order is contrary to the principles of religious liberty upon which this Nation was founded and which are embodied in the First Amendment to the United States Constitution;

Whereas, In Marsh v. Chambers in 1983 the United States Supreme Court considered our Nation's more than 200 hundred year history of legislative prayers, including prayers that invoke the name of Jesus Christ, and found that "In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become part of the fabric of our society. To invoke Divine guidance on a public body entrusted with making the laws is not, in these circumstances, an "establishment" of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country."

Whereas, As the United States Supreme Court's decisions make clear, public officials are not competent, in our constitutional order, to make the fine theological distinctions and comparisons necessary for one to declare that a prayer is sufficiently "inclusive" or "nonsectarian" to satisfy the court's injunction and the content of prayer is a matter solely for the religious conscience of the cleric or representative offering it;

Whereas, This order violates the fundamental rights of men and women conferred upon them by their Creator to always and freely seek the guidance and blessings of their Creator in accordance with the dictates of their conscience;

Whereas, The members of the Indiana House of Representatives believe that the United States District Court for the Southern District of Indiana has transcended the line between co-equal sovereigns in our federal system of government and has improperly intruded upon the affairs of the legislative branch of Indiana State Government by attempting to dictate the content of our prayers; and

Whereas, The members of the Indiana House of Representatives have taken an oath to uphold the Constitution of the United States, and the members have considered the constitutionality of the practice under challenge and have concluded that it is fully consistent with the Establishment Clause of the First Amendment to the United States Constitution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That it is the judgment of the Indiana House of Representatives that the order of the United States District Court for the Southern District of Indiana is contrary to the word and spirit of the First Amendment.

SECTION 2. That the Speaker of the Indiana House of Representatives is urged to use the authority granted to him to prosecute all possible appeals of the order and to use all other lawful means at his disposal to seek the invalidation of that order.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana General Assembly, the United States Congress, and the President of the United States.

The resolution was read a second time. Upon request of Representatives Friend and Turner, the Speaker ordered the roll of the House to be called. Roll Call 214: yeas 85, nays 0. The resolution was adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 13

The Speaker handed down Senate Concurrent Resolution 13, sponsored by Representative Noe:

A CONCURRENT RESOLUTION recognizing the Brant family and the Indiana Oxygen Company.

Whereas, Eight years after the commercial production of oxygen began in the United States in 1907, the Indiana Oxygen Company became one of the first producers of the gas in central Indiana;

Whereas, Formed in 1915 by Walter and John Brant, the Indiana Oxygen Company remains a family-run operation and is currently guided by Walter L. Brant II;

Whereas, In 2005, the company received the prestigious "Entrepreneur of the Year" award for its entrepreneurial innovations;

Whereas, Through the guidance of the Brant family, the company has become a leader in the welding gas field and manufactures, sells, and distributes industrial gases, laboratory gases, medical gases, and welding supplies;

Whereas, The company is active in Indiana's growing life science initiative as a supplier to Indiana's medical laboratories, manufacturers, and research facilities;

Whereas, In 1911, the year of the first Indianapolis 500 race, Walter and John Brant, owners of the Indianapolis-based Lozier car agency and future company founders, sponsored two cars in the race;

Whereas, One of the cars, driven by Ralph Mulford, was first runner-up to the Marmon Wasp driven by winner Ray Harroun;

Whereas, After founding the company in 1915, the Brants continued their interest in racing, serving on Otis Porter's technical scoring staff and assisting with timing and pit stop data;

Whereas, The methods and technical procedures of inflating race car tires with Indiana Oxygen compressed air became a subject of particular interest to the racing teams primarily because the use of compressed air decreased pit times;

Whereas, A short time later, as more sophisticated methods of manufacturing became known, Indiana Oxygen began to play a significant role in the development of advanced technologies through its production of nitrogen gas, the first gas substituted for compressed air for inflating tires in the late 1920s by Firestone;

Whereas, Indiana Oxygen, seeking new uses for gas, pioneered the use of nitrogen for refueling under pressure;

Whereas, From 1937 to 1964, when pressurized refueling was eliminated from the race, Indiana Oxygen continued to provide gases and welding services to the race teams;

Whereas, The Indiana Oxygen Company is statewide with a main headquarters, eight branch locations, 40 distributors, and customers in every state; and

Whereas, Indiana Oxygen has been keeping up with changing business techniques; currently 30% of its sales comes from the Internet: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the contributions the Brandt family has made to the economic welfare of our state.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Walter L. Brant II, president of the Indiana Oxygen Company.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 16

The Speaker handed down Senate Concurrent Resolution 16, sponsored by Representatives Yount, Messer, and Koch:

A CONCURRENT RESOLUTION to congratulate Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame.

Whereas, Sam Simmermaker and his wife, Fran, arrived in Columbus, Indiana in December 1959 for what they believed would be a brief stop on a career path that was headed toward St. Louis;

Whereas, As a life-long St. Louis Cardinals baseball fan, Sam Simmermaker's goal was to one day be the club's sportscaster;

Whereas, Forty-seven years later, Sam Simmermaker's career path has instead made him a legendary sportscaster throughout the listening areas of the WCSI/WKKG radio stations, and specifically in Columbus;

Whereas, Sam Simmermaker has been the voice of the Columbus High School Bull Dogs Basketball Team, beginning with their powerhouse days in the 1960's and continuing through the present;

Whereas, Although high school basketball has seen many changes over the years, Sam has preserved his style, displaying an innate ability to paint a picture for fans when calling play-by-play action and incorporating his knowledge of the community while always maintaining a professional nature;

Whereas, Throughout his long career, Sam has received numerous awards including, the National Sportscasters and Sportswriters Association Indiana Sportscaster of the Year Award in 1976 and 1977 and induction into the Indiana Sportswriters and Sportscasters Hall of Fame in 1998;

Whereas, In 2006, Sam's dedication to the profession of sportscasting is once again being recognized as he is inducted into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner. This award is given to a person who makes a significant contribution to Indiana basketball in a role other than as a player or coach; and

Whereas, The City of Columbus is grateful to have this sports legend and friend as a long-time member of the community: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner.

SECTION 2. That the Indiana General Assembly congratulates Sam Simmermaker on a long and prosperous career in the sportscasting profession and recognizes his accomplishments and contributions to the Columbus, Indiana community.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mr. Sam Simmermaker and family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representatives Pflum, Saunders, and Hoffman:

A CONCURRENT RESOLUTION congratulating Earlham College's Dr. John Iverson for being named the 2005 Indiana Professor of the Year by the Carnegie Foundation for the Advancement of Teaching.

Whereas, The Carnegie Foundation for the Advancement of Teaching and the International Council for Advancement and Support of Education (CASE) have sponsored the Professor of the Year Program to recognize outstanding college and university professors from across the country since 1981;

Whereas, While the Carnegie Foundation accepts nominations of professors from four categories of institutions—community colleges, research universities, and institutions that grant bachelors and masters degrees—each year, the Professor of the Year Program honors only one professor for each state;

Whereas, Nominees are assessed based on their impact on and involvement with undergraduate students, their scholarly approach to teaching and learning, their contributions to undergraduate education, and testimony from colleagues and current and former students;

Whereas, Dr. John Iverson is a Professor of Biology and Director of the Joseph Moore Museum of Natural History at Earlham College

in Richmond, Indiana, where he has been a member of the faculty since 1978;

Whereas, To encourage students to become actively involved in the process of science, Dr. Iverson invites students to accompany him to his three long-term study sites. He attributes his success with students to "maintaining an active, hands-on, year-round research program that involves as many students as possible";

Whereas, Dr. Iverson sees himself as an "assistant in learning" and emphasizes collaboration in order to "learn more and teach better than we possibly could alone." Undergraduate students co-authored more than 40 of the approximately 150 scientific papers he has had published while at Earlham;

Whereas, As one of the world's leading herpetologists, specializing in the study of turtles and iguanas and their respective ecologies, Dr. Iverson has been instrumental, not only in continuing, but also enhancing Earlham's reputation for excellence in the natural sciences;

Whereas, Roughly one-fifth of Earlham's graduates have majored in biology. In addition, Earlham ranks eighth nationally—between Johns Hopkins and the Massachusetts Institute of Technology—in the percentage of its biology majors who have since gone on to earn a Ph.D. in the field; and

Whereas, More than 400 professors from various institutions in 40 states were nominated for consideration by the Carnegie Foundation judges. Dr. John Iverson was recognized as the Indiana Professor of the Year in a ceremony in Washington, D.C. on November 17, 2005: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Dr. John Iverson for being recognized as the 2005 Indiana Professor of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Earlham College President, Douglas Bennett, Independent Colleges of Indiana President, Hans Giesecke, and Dr. John Iverson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 169 and 191 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 36 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 16, 2006 at 1:30 p.m.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Turner and Richardson be added as coauthors of House Resolutions 1.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as

cosponsor of Engrossed Senate Bill 47.

McCLAIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 54.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 55.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be removed as sponsor, Representative Woodruff be substituted as sponsor, and that Representative Klinker be added as cosponsor of Engrossed Senate Bill 112.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 114.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 168.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 206.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as cosponsor of Engrossed Senate Bill 229.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Espich be removed as sponsor, Representative Ripley be substituted as sponsor, and that Representative Espich be added as cosponsor of Engrossed Senate Bill 360.

ESPICH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bell, the House adjourned at 2:50 p.m., this thirteenth day of February, 2006, until Thursday, February 16, 2006, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives